IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 64 OF 2006.

Shri Pramod A. Gaonkar,
aged 46 years, Indian National,
r/o Flat No. G-3,
St. Francis Colony,
St. Cruz, Tiswadi,Goa. .... Petitioner.

Versus

1. Kadamba Transport Corporation
Limited, a Government Company
within themeaning assigned to
this term u/s 617 of the Indian
Companies Act, 1956 (Act 1 of 1956)
through its Managing Director,
having office at Paraiso de Goa,
Alto Porvorim, Bardez, Goa.

2. Shri Anil Prabhu,
Depot Manager, Panaji Depot,
KTC Bus Terminus, Panaji, Goa. .... Respondents.

Shri M. S. Sonak, Advocte for the Petitioner.

Shri S.G. Dessai, Senior Advocate with Shri Shivan Dessai, Advocate for the Respondent No.1.

CORAM: A. P. LAVANDE &
N. A. BRITTO, JJ.

DATE: 8th MARCH, 2006.

ORAL ORDER: (PER A.P. LAVANDE, J.)

The petitioner who has been working as Works Manager,

Central Workshop with respondent No.1, has filed this petition, seeking the following reliefs :-

(a) Grant a writ of mandamus or writ in the nature of mandamus or any other appropriate writ, order or direction commanding the respondent No.1 to do the following :-

i) To grant the petitioner duties commensurate to his posting/promotion as Controller of Purchase vide Order dated 6.09.2004 and joining report of even date, forthwith;

ii) To release and pay to the Petitioner along with all consequential benefits increment in the promoted post of Controller of Purchase w.e.f. October, 2005, forthwith;

iii) To withdraw the impugned Order dated 7.02.2006, in so far as it concerns the Petitioner and the respondent No. 2, forthwith.

2. Mr. M.S. Sonak, the learned Counsel appearing for the petitioner submits that the grievances of the petitioner, except in so far as prayer (a)(i) is concerned, have been redressed by the respondent No.1. In so far as prayer a(i) is concerned, Mr. Sonak submits that the petitioner would make a representation to respondent No.1 and respondent No.1 be directed to decide the representation within a reasonable time and in the event the decision by respondent No.1 on the representation made by the petitioner is against the petitioner, liberty be granted to the petitioner to challenge the decision of the respondent No.1. Mr. S.G. Dessai, the learned Senior Counsel appearing on behalf of the respondent No.1 submits that he has no objection if the request made on behalf of the petitioner is granted.

3. Accordingly, the petitioner is allowed to make a representation to respondent No.1 in so far as the relief claimed by prayer clause (a)(i) is concerned and upon such representation being made, the respondent No.1 shall decide the same within a period of eight weeks. In the event, the decision of the respondent No.1 is against the petitioner, the petitioner shall be at liberty to challenge the same. The petition stands disposed of in the aforesaid terms.

N. A. BRITTO, J. **A.P. LAVANDE, J.**

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